

ANGUS LICENSING BOARD – 24 MARCH 2022

**PERSONAL LICENCE - NOTIFICATION OF CONDUCT INCONSISTENT WITH A
LICENSING OBJECTIVE**

REPORT BY THE CLERK

ABSTRACT

The purpose of this report is to advise the Board of correspondence received from the Chief Constable advising that he considers that a Personal Licence Holder has acted in a manner which is inconsistent with a licensing objective, and consider and determine what Order, if any, requires to be made in respect of that Personal Licence.

1. RECOMMENDATIONS

It is recommended that the Board considers the correspondence received from the Chief Constable advising that he considers that a Personal Licence Holder has acted in a manner which is inconsistent with a licensing objective, and consider and determine what Order requires to be made in respect of a Personal Licence in terms of one of the following options:-

- (a) revoke the Personal Licence held by the licence holder concerned;
- (b) suspend for such period, not exceeding 6 months, as the Board considers appropriate, or
- (c) endorse the Personal Licence held by the licence holder concerned
- (d) make no order.

2. BACKGROUND

With reference to Article 12 of the minute of meeting of the Board of 17 February 2022, this matter was deferred in order to request the licence holder to attend the meeting.

The Clerk has received correspondence from the Chief Constable advising that he considers that a Personal Licence Holder has acted in a manner which is inconsistent with a licensing objective. **A copy of that correspondence shall be circulated at the meeting.**

Therefore, and in accordance with Section 84A of the Licensing (Scotland) Act 2005, the Board is required to hold a hearing. The Board may, having regard to the conduct, after giving the Personal Licence holder concerned and such other persons as they consider appropriate, an opportunity to be heard, and if satisfied that it is necessary to do so for the purposes of any of the licensing objectives, make one of the following Orders:-

- (a) revoke the Personal Licence held by the licence holder concerned;
- (b) suspend for such period, not exceeding 6 months, as the Board considers appropriate, or
- (c) endorse the Personal Licence held by the licence holder concerned.

In terms of section 84A (7A) where, at the Hearing, the Licensing Board are satisfied that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a personal licence, the Board must make an order revoking the licence.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

4. HUMAN RIGHTS IMPLICATIONS

In dealing with the applications as set out in this report, the Board will have regard to any human rights issues in relation to the applicants.

5. NOTIFICATION

The applicant has been notified of the terms of this Report. They have also been advised of their entitlement to attend the Board should they wish.

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